

## **REMARKS**

In the Office Action mailed March 24, 2009, the Examiner noted that Applicant's amendments and remarks were sufficient to overcome the claim objections to claims 38, 39, 44, and 55-57 and withdrew the rejections of claims 21-23 and 26-39 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,222,083 to Colle et al. (Colle '083) in view of U.S. Pat. No. 4,072,607 to Schiller, et al (Schiller) and the rejections of claims 40-57 under 35 U.S.C. § 103(a) as being unpatentable over Colle '083 in view of Schiller in further view of U.S. Pat. No. 6,222,083 to Colle et al. (Colle '083). However, the Examiner maintained his rejections of all of the claims. In particular, the Examiner rejected claims 21-23 under 35 U.S.C. § 102(b) as being anticipated by Schiller or, alternatively, as being unpatentable over Schiller under 35 U.S.C. § 103(a). Claims 26-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schiller in view of Colle '083. Claims 40-57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schiller in view of Colle '233.

On or about May 13, 2009, Applicants submitted remarks after final to provoke an advisory action. The Examiner maintained his rejections in light of Applicant's remarks in an action mailed May 28, 2009. Applicants interviewed the Examiner to discuss the prior art and herein present additional remarks as a continuation of Applicant's earlier remarks in light of the action and the prior art. Applicants respectfully request reconsideration and an allowance of currently pending claims 21-23 and 26-57.

## **Response to Examiner's Response**

In response to Applicant's amendments and remarks in the office action dated March 24, 2009, the Examiner found Applicant's remarks unpersuasive. Specifically, the Examiner stated that Table 1 of U.S. Pat. No. 5,600,044 to Colle, et al. (Colle '044) does not teach that NH<sub>2</sub> containing polymers (the ones disclosed in Schiller) are ineffective hydrate inhibitors and that some of the test results actually show that these polymers have some inhibiting effect. Applicants respectfully disagree with the Examiner's characterization because Colle '044

explicitly shows that NH<sub>2</sub> containing polymers are not effective hydrate inhibitors in Table 1. In particular, the THF test (aka ball stop time or “BST”) is useful to show whether a material shows any inhibition effect. *See*, Colle ‘044, col. 10, ll. 36-38. A BST “which is about three times the BST for a THF/SSW control solution with no inhibitor present indicates that the inhibitor demonstrates a threshold inhibition effect.” *Id.* at ll. 38-41. Table 1 clearly shows that the control solution had a ball stop time of 6 minutes. Hence, for a material to show a “threshold inhibition effect,” it must have a BST of 18 minutes or greater. Table 1 shows that PAM (the NH<sub>2</sub> containing polymer) has a ball stop time of 10 minutes. This is less than the “threshold inhibition effect.” As such, the results shown on Table 1, as described by Colle ‘044 empirically show that PAM is not a hydrate inhibitor. Table 1 does not appear to include mini-loop test results for PAM. However, the BST results are believed to be sufficient to show that PAM is not an inhibitor.

The Schiller reference is believed to be non-analogous art. The Schiller reference only teaches the treatment of scale using PAM. Hence, Schiller addresses a different problem (scale removal) than the disclosed invention (hydrate inhibition) and discloses a non-working material to solve the different problem. For at least these reasons, Applicants believe that a person of ordinary skill in the art would find the teachings of Schiller to be either inapplicable or non-analogous to the presently disclosed invention, including all currently pending claims. As such, claims 21-23 are believed to be patentable over the prior art. Applicants further believe that Schiller is not combinable with Colle ‘083 or Colle ‘233, each of which teach hydrate inhibitors. As such, claims 26-39 and 40-57 are also believed to be patentable over the prior art. For the reasons given, Applicants believe that all pending claims 21-23, and 26-57 are patentable and respectfully request allowance of all pending claims.

### **CONCLUSION**

In view of the amendments and remarks set forth above, Applicants respectfully request allowance of all pending claims 21-23 and 26-57 and issuance of a notice of allowance of all pending claims. No other fees are believed to be due at this time, however, the Commissioner is hereby authorized to charge the Deposit Account No. 05-1328 for any additional fees associated with this application. Further, if the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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